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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,651	04/04/2006	Hidekazu Michioka	062329	7627
38834 7590 02/26/2010 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER JOHNSON, PHILLIP A				
ART UNIT 3656		PAPER NUMBER		
NOTIFICATION DATE 02/26/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

Office Action Summary

Application No.

10/574,651

Applicant(s)

MICHIOKA ET AL.

Examiner

PHILLIP A. JOHNSON

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION***Status of Claims***

The amendment filed on October 23, 2009 is acknowledged. Claims 1 and 3 – 8 are pending in this application. Claim 2 has been cancelled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3 – 5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agari (USP 5,360,271) in view of Obara et al. (USP 6,290,394).

Re claim 1, Agari (Fig. 1 and 2) discloses a track rail 1 having rolling element rolling surfaces 9 extending in a longitudinal direction thereof; a moving block corresponding to assembly 2, 5, 19, 31 relatively movably attached to said track rail 1, said moving block 2, 5, 19, 31 having an approximately U-shaped sectional configuration in a plane perpendicular to the longitudinal direction of said track rail 1; said moving block 2, 5, 19, 31 having skirt portions (*vertically extending portions bracketing track rail 1*) formed at both sides of an opening thereof and being mounted astride said track rail 1; said moving block 2, 5, 19, 31 having a moving block body 2 having load rolling element rolling surfaces 8

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that form load rolling element rolling passages in cooperation with said rolling element rolling surfaces 9; said moving block body 2 further having rolling element relief bores 36 (Fig. 5) associated with said load rolling element rolling surfaces 8; end plates 5 mounted astride said track rail 2 and secured to both ends of said moving block body 2 in a direction of relative movement of said moving block 1; said end plates 5 each having rolling element direction change passages that form rolling element recirculation passages in cooperation with said load rolling element rolling passages and rolling element relief bores (col. 1, lines 54 – 55); a plurality of rolling elements 4;

Agari does not expressly disclose said moving block having a plurality of attachment devices corresponding to elements, including lubricators, mounted astride said track rail and secured to outer ends of said end plates in said direction of relative movement.

Obara (Fig. 2) teaches a plurality of attachment devices corresponding to elements 15, 17 and 25, including lubricators 15 mounted astride a track rail 2 and secured to the outer ends of endplates 6 in said direction of relative movement, as a well known means for providing a self-lubricating capability that eliminates maintenance intervals and cost associated with similar devices requiring lubrication from external sources.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Agari, such that said moving block has a plurality of attachment devices corresponding to elements, including lubricators, mounted astride said track rail and secured to outer ends of said end plates in said

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direction of relative movement, as taught by Obara, for purpose of providing a self-lubricating capability that eliminates maintenance intervals and cost associated with similar devices requiring lubrication from external sources.

Accordingly, Agari as modified by Obara discloses "said foreign matter entry preventing plates also close gaps between the side surfaces of said track rail and inner side surfaces of said attachment devices," since Agari already discloses this feature in col. 3, lines 65 – 68 to col. 4, lines 1 and the lubricators of Obara would obviously be disposed between plate assembly 19, 31 and endplates 5 for retention. Further, since Agari as modified by Obara discloses the plate assembly 19, 31 as the outermost attachment device securing the foreign matter entry plate 13, it would be inherent, if not obvious, that "each of said foreign matter entry preventing plates have a length equal to a distance between outermost ones of said attachment devices, which are disposed outermost in the direction of relative movement of said moving block, said foreign matter entry preventing plates having their opposite ends secured to the outermost ones of said attachment devices."

Re claim 3, Agari discloses said foreign matter entry preventing plates 13 being secured to respective end surfaces of the skirt portions on both sides of said moving block body 2.

Re claim 4, Agari and modified by Obara discloses the outermost ones of said plurality of attachment devices are metal scrapers formed from metal plates, wherein longitudinal end surfaces of said foreign matter entry preventing plates are secured to said metal scrapers.

Re claim 5, Agari (Fig. 2 and 3) discloses said foreign matter entry preventing plates 13 each comprising a plate-shaped foreign matter entry preventing plate casing 27 made of a material of high rigidity; a plate-shaped foreign matter entry preventing plate body made of a flexible material 28; said foreign matter entry preventing plate body being fitted to one side end portion of said foreign matter entry preventing plate casing 27, wherein one side end surface of said foreign matter entry preventing plate body is brought into contact with one side surface of said track rail 1.

Re claim 7, Agari (Fig. 1) discloses said foreign matter entry preventing plates 13 having respective side end surfaces perpendicularly contacting the opposite side surfaces of said track rail 1.

Re claim 8, Agari discloses said foreign matter entry preventing plates having self-lubricating capability (col. 4, lines 3 – 4: *“the resilient, plastic underside member of the under seal is swelled by lubricating oil...”*).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Agari in view of Obara as applied to claim 1 above, and further in view of Mochizuki et al. (USP 6,877,900).

Agari does not expressly disclose said foreign matter entry preventing plates each comprising a plate-shaped foreign matter entry preventing plate casing made of a material of high rigidity; a plate-shaped foreign matter entry preventing plate body made of a flexible material; and a foreign matter entry preventing plate retainer made of a material of high rigidity.

Mochizuki (Fig. 13a and 13b) teaches foreign matter entry plates 30 comprising a plate-shaped foreign matter entry preventing plate casing 31 made of a material of high rigidity; a plate-shaped foreign matter entry preventing plate body, 32-3, made of a flexible material; and a foreign matter entry preventing plate retainer 33-2 made of a material of high rigidity.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Agari, as taught by Mochizuki, such that said foreign matter entry plates comprise a plate-shaped foreign matter entry preventing plate casing made of a material of high rigidity; a plate-shaped foreign matter entry preventing plate body made of a flexible material; and a foreign matter entry preventing plate retainer made of a material of high rigidity. The motivation for doing so would be to provide a more reliable means to retain and protect the foreign matter entry plate or seal body.

Accordingly, Mochizuki discloses said foreign matter entry preventing plate casing 31 is secured to an end surface of one of the skirt portions on both sides of said moving block body 11 in a state where one side end surface of said foreign matter entry preventing plate body 32-3 is brought into contact with one side surface of said track rail 4 and where said foreign matter entry preventing plate body 32-3 is held between said foreign matter entry preventing plate retainer 33-2 and said foreign matter entry preventing plate casing 31.

Response to Arguments

Applicant's arguments with respect to claims 1 and 3 – 8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHILLIP A. JOHNSON whose telephone

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number is (571) 270-5216. The examiner can normally be reached on MON - FRI, 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PHILLIP A. JOHNSON/
Examiner, Art Unit 3656

/Thomas R. Hannon/
Primary Examiner, Art Unit 3656